

National Aeronautics and Space Admin.

§ 1245.102

(3) A Tech Briefs Award has been recommended by the Board pursuant to § 1240.105(c).

[77 FR 27367, May 10, 2012]

PART 1241 [RESERVED]

PART 1245—PATENTS AND OTHER INTELLECTUAL PROPERTY RIGHTS

Subpart 1—Patent Waiver Regulations

Sec.

- 1245.100 Scope.
- 1245.101 Applicability.
- 1245.102 Definitions and terms.
- 1245.103 Policy.
- 1245.104 Advance waivers.
- 1245.105 Waiver after reporting inventions.
- 1245.106 Waiver of foreign rights.
- 1245.107 Reservations.
- 1245.108 License to contractor.
- 1245.109 Assignment of title to NASA.
- 1245.110 Content of petitions.
- 1245.111 Submission of petitions.
- 1245.112 Notice of proposed Board action and reconsideration.
- 1245.113 Hearing procedure.
- 1245.114 Findings and recommendations of the Board.
- 1245.115 Action by the Administrator.
- 1245.116 Miscellaneous provisions.
- 1245.117 March-in and waiver revocation procedures.
- 1245.118 Record of decisions.

Subpart 2—Claims for Patent and Copyright Infringement

- 1245.200 Purpose.
- 1245.201 Objectives.
- 1245.202 Contents of communication initiating claim.
- 1245.203 Incomplete notice of infringement.
- 1245.204 Indirect notice of infringement.
- 1245.205 Processing of administrative claims.

Subpart 3—NASA Foreign Patent Program

- 1245.300 Scope of subpart.
- 1245.301 Inventions under NASA contracts.
- 1245.302 Inventions by NASA employees.
- 1245.303 Criteria.
- 1245.304 Procedures.

Subparts 4–5 [Reserved]

Subpart 1—Patent Waiver Regulations

AUTHORITY: 42 U.S.C. 2457, 35 U.S.C. 200 *et seq.*

SOURCE: 52 FR 43748, Nov. 16, 1987, unless otherwise noted.

§ 1245.100 Scope.

This subpart prescribes regulations for the waiver of rights of the Government of the United States to inventions made under NASA contract in conformity with section 305 of the National Aeronautics and Space Act of 1958, as amended (42 U.S.C. 2457).

§ 1245.101 Applicability.

The provisions of the subpart apply to all inventions made or which may be made under conditions enabling the Administrator to determine that the rights therein reside in the Government of the United States under section 305(a) of the National Aeronautics and Space Act of 1958, as amended, 42 U.S.C. 2457(a). The provisions do not apply to inventions made under any contract, grant, or cooperative agreement with a nonprofit organization or small business firm that are afforded the disposition of rights as provided in 35 U.S.C. 200–204 (Pub. L. 96–517, 94 Stat. 3019, 3020, 3022 and 3023; and Pub. L. 98–620, 98 Stat. 3364–3367).

§ 1245.102 Definitions and terms.

As used in this subpart:

(a) *Contract* means any actual or proposed contract, agreement, understanding, or other arrangement with the National Aeronautics and Space Administration (NASA) or another Government agency on NASA's behalf, including any assignment, substitution of parties, or subcontract executed or entered into thereunder, and including NASA grants awarded under the authority of 42 U.S.C. 1891–1893.

(b) *Contractor* means the party who has undertaken to perform work under a contract or subcontract.

(c) *Invention* includes any art, method, process, machine, manufacture, design, or composition or matter, or any new and useful improvement thereof, or any variety of plant, which is or may be patentable under the Patent Laws of the United States of America or any foreign country.

(d) *Made*, when used in relation to any invention, means the conception or first actual reduction to practice of such invention.